

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA**

IN THE MATTER OF THE)
MARICOPA COUNTY JUDGE)
PRO TEMPORE PROGRAM)
_____)

ADMINISTRATIVE ORDER
No. 2004-062

The Court has received numerous inquiries regarding the application of the Code of Judicial Conduct to pro tempore judges. Maricopa County will conduct its pro tempore judge assignment through a court administrator who will assign pro tem judges and track their service for the Superior Court and the Justice Courts. In the administration of this program, the Court adopts the following guidelines:

1. Pro tem judges shall only take assignments through Court administration. Pro tem judges shall report their time spent as pro tems to Court administration on a court form. Pro tem judges who take assignments directly from judges or fail to report their time shall be removed from the pro tem lists.
2. Pro tem judges have different judicial restrictions on them regarding their practice of law in courts dependent on whether they are acting as a pro tem on a repeated and continuous scheduled basis, or on a sporadic basis. The ethics rules do not lend themselves to a bright line rule. In general, court administration shall treat service up to 40 hours a calendar year as sporadic if the service is irregular; that is, not scheduled in a repeating and regular pattern.
3. A pro tem judge who serves as a judicial officer on a repeating and continuous scheduled basis in a department of the Superior Court (civil, criminal, tax, probate, juvenile, family court), cannot practice as a lawyer in that department. A pro tem judge who serves as a judicial officer on a repeating and continuous scheduled basis in a Justice Court, like East Mesa Justice Court, cannot practice as a lawyer in that same Justice Court.
4. When a pro tem has served in a department of the Superior Court, like the family court department, on a sporadic basis, up to 40 hours of judicial calendar coverage service, then court administration shall not schedule the pro tem for any more judicial calendar coverage service during the year, (calendar year January 1 to December 31) except as noted below.
5. When a pro tem has served in a Justice Court, on an irregular basis, up to 40 hours of judicial calendar coverage service, court administration shall not schedule the pro tem for any more judicial calendar coverage service in that Justice Court during the year, except as noted below.
6. To avoid even the appearance of impropriety in Justice Courts, Maricopa County does not want to schedule pro tem judges to perform sporadic calendar assistance for a Justice of the Peace where the pro tem may turn

around and appear as a lawyer before that Justice of the Peace within a short time thereafter. Accordingly, as a prophylactic rule, which goes beyond the ethical requirements, Maricopa County asks judges pro tem not to pro tem for a particular Justice of the Peace who they have an active case with at the time they are asked to serve as a pro tem even if it is a sporadic appearance. This restriction does not apply to nonappealable calendars like small claims cases or settlement conferences.

7. A pro tem judge may notify court administration that they wish to serve more than 40 hours a calendar year or otherwise serve on a continuing regular basis if they do not practice law in the Justice Court or the department in which they serve as a pro tem judge.
8. A pro tem judge may participate as a settlement conference judge in proceedings that take place outside the courtroom of the judge assigned to the case, on a regular and continuing basis. These are separate nonappealable proceedings that the ethics rules and the Court will not count towards the 40 hours of maximum judicial calendar coverage service for a pro tem who intends to practice in the division of court in which they are serving as a pro tem.
9. A pro tem may also preside over civil shorttrials scheduled through the Court's Alternative Dispute Resolution Office on a regular and continuing basis. All such proceedings are nonappealable and do not count towards the 40 hours of maximum judicial coverage.
10. A Departmental Presiding Judge, who faces an emergency situation to cover a calendar, may waive the 40 hour restriction, as long as the pro tem service is not repeating and continuing on a scheduled basis.

DATED this 6th day of May, 2004.

Colin F. Campbell
Presiding Judge

Original: Clerk of the Superior Court

Copies: Hon. Barbara Mundell, Associate Presiding Judge and Chair of Judge Pro Tempore Committee
Hon. Gerald Porter, Associate Presiding Judge, Limited Jurisdiction Courts
Marcus Reinkensmeyer, Trial Courts Administrator
Brian Karth, Limited Jurisdiction Courts Administrator
All Superior Court Judges and Commissioners
All Maricopa County Justices of the Peace
Kathryn Wallace, Judge Pro Tem Coordinator